## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GEORGE SCHEIB and	)	
CAROLE L. SCHEIB,	)	
	)	
Plaintiffs	)	
	)	
v.	)	02: 07cv0018
	)	
MELLON BANK, N.A. and	)	
REED J. DAVIS, SR.,	)	
	)	
Defendants.	)	

## MEMORANDUM ORDER OF COURT

Presently pending before the Court for disposition is the *pro se* MOTION TO THE HONORABLE COURT TO OPEN AND RECONSIDER DECISION AND/OR AS AN ALTERNATIVE/ MOTION TO SET ASIDE JUDGMENT filed by Plaintiffs, George Scheib and Carole L. Scheib (*Document No. 29*).

Plaintiffs ask the Court for reconsideration of the Memorandum Opinion and Order of Court entered June 13, 2007, in which the Court granted the Motion to Dismiss filed by Defendants.

Generally a motion for reconsideration will only be granted if: (1) there has been an intervening change in controlling law; (2) new evidence, which was not previously available, has become available; or (3) necessary to correct a clear error of law or to prevent manifest injustice. *Hirsch Corp. v. Zlotnicki*, 779 F.2d 906, 909 (3d Cir. 1985), *cert. denied*, 47 U.S. 1171 (1986).

Plaintiffs do not argue that there has been an intervening change in controlling law; that new evidence has become available; or that reconsideration is necessary to correct a clear

error of law or to prevent manifest injustice. Although Plaintiffs have today submitted a filing which they characterize as "EVIDENCE IN SUPPORT OF MOTION TO OPEN/RE-CONSIDER AND/OR SET ASIDE JUDGMENT" (Document No. 30), it is neither new, relevant nor of any substantive meaning to the issue(s) at hand. Rather, Plaintiffs continue to advance the same arguments they made in their response to the motion to dismiss and said arguments were previously given due consideration and rejected by this Court. Therefore, the Court finds that the arguments raised in the instant motion do not warrant further analytical discussion.

Fatal to the pending motion, nothing new has been supplemented to the record by the Motion for Reconsideration of the Memorandum Opinion and Order of June 13, 2007.

AND NOW, this 28th day of June, 2007, it is hereby ORDERED, ADJUDGED, AND DECREED that the MOTION TO THE HONORABLE COURT TO OPEN AND RECONSIDER DECISION AND/OR AS AN ALTERNATIVE/ MOTION TO SET ASIDE JUDGMENT filed by Plaintiffs is hereby DENIED.

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

cc: George Scheib 815 Walbridge Street Pittsburgh, PA 15220

> Carole L. Scheib 815 Walbridge Street Pittsburgh, PA 15220

Jayme L. Butcher, Esquire Email: jbutcher@reedsmith.com